

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,
As representative of
THE COMMONWEALTH OF PUERTO
RICO, et al.,

Debtors.

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE COURT:

COMES NOW, Rose M. Flores-Perez (“Mrs. Flores-Perez” or “Movant”), through the undersigned counsel, to respectfully move the Court for an Order pursuant to 11 U.S.C. Sec. 362 for relief from the Automatic Stay and, in support of its motion, states as follows:

1. On November 15, 2011, Movant filed a Claim against the Commonwealth of Puerto Rico, ISCI 2011-00496, under 34 LPRA sec. 1724 ss, also known as the Uniform Forfeiture Act of 2011, before the Court of First Instance in and for the Municipality of Mayaguez to contest the forfeiture of her automobile as a result of a criminal investigation.

2. After several proceedings, on March 21, 2016, the Supreme Court of Puerto Rico granted Movant’s claim.

3. Nevertheless, the Court of First Instance has issued an order paralyzing the case by virtue of PROMESA.

4. Section 301(a) of PROMESA (“Section 301(a)”) states that, among other things, 11 U.S.C. Sec. 362 of the United States Bankruptcy Code are applicable for petitions under Title III.

5. The automatic stay of case ISCI 2011-00496 should be lifted pursuant to 11 U.S.C. Sec. 362 (d)(1) for cause, including but not limited to, lack of adequate protection.

7. The automatic stay should be lifted pursuant to 11 U.S.C. Sec. 362 (d)(2) because the Commonwealth of Puerto Rico has no equity in the forfeited vehicle and said vehicle is not necessary to an effective reorganization.

WHEREFORE, Movant respectfully requests that the Court enter an order granting Movant relief from the automatic stay allowing Movant to continue the proceedings regarding the forfeiture of her automobile currently pending in the Court of First Instance and to pursue such additional actions as may be necessary with respect to her automobile and for such other and further relief as the Court deems proper.

Respectfully Submitted. In San Juan, Puerto Rico, this 3rd day of August, 2017.

We certify that this motion has been filed using the CM/ECF case filing system which will notify all parties.

Olmo & Rodríguez-Matías Law Office, PSC
El Centro I suite 215, SJ PR 00918
Tel.7877583570/Fax.7877640338
Email jrolmo1@gmail.com

S/José R. Olmo-Rodríguez
José R. Olmo-Rodríguez
USDC-PR 213504